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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF ARKANSAS**

TEXARKANA DIVISION

**BOYD BRYANT, ON BEHALF OF
HIMSELF AND ALL OTHER SIMILARLY
SITUATED**

Plaintiffs,

vs

AP No. _____

**GENERAL MOTORS CORPORATION
d/b/a CHEVROLET, GMC, CADILLAC
BUICK AND OLDSMOBILE**

Defendant.

NOTICE OF REMOVAL

The Notice of Removal of defendant, General Motors Corporation ("GM"), removing this action from the Circuit Court of Miller County, State of Arkansas, and to the extent required, reserving any and all rights, objections, and defenses, respectfully represents as follows:

BACKGROUND

1

Plaintiff, Boyd Bryant, filed a civil action on February 8, 2005, against GM in the Circuit Court of Miller County, State of Arkansas, titled "Class Action Complaint," given Case No. CV-2005-51-2.

2

Plaintiff brought the suit on behalf of himself and a purported nationwide class of approximately four million vehicle owners.

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3.

The complaint, as amended, asserts causes of action based on warranty, fraud and unjust enrichment.

4.

The Circuit Court certified the nationwide class action sought by plaintiff on January 11, 2007. The Arkansas Supreme Court affirmed that certification order on June 19, 2008.

5.

On June 1, 2009, GM filed for bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York. *See Case No. 09-50026.* A copy of the Notice of Bankruptcy Filing is attached hereto as Exhibit 1.

6.

All proceedings against GM in the state court action are subject to a pending stay order.

BANKRUPTCY REMOVAL

7.

All claims or causes of action asserted in this matter are removable to this Court pursuant to the following provisions, by way of example only: 28 U.S.C. §§157, 1331, 1334, 1441 and 1452, and Rule 9027 of the Bankruptcy Rules.

8.

28 U.S.C. §1452(a) provides that “a party may remove any claim or cause of action in a civil action . . . to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.”

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9.

28 U.S.C. §1334(b) provides that “the district court shall have original but not exclusive jurisdiction of all civil proceedings arising under Title 11 or arising in or related to cases under Title 11.”

10.

This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1334(b) and this action may be removed to this Court pursuant to 28 U.S.C. §1452 because this action arises in, arises under, and is related to GM’s bankruptcy proceeding, pending in Case No. 09-50026 on the docket of the United States Bankruptcy Court for the Southern District of New York. Among other things, this action is related to the pending bankruptcy because the outcome of this proceeding could conceivably have an effect on the estate being administered in bankruptcy.

11.

Upon removal, some of the asserted claims against GM may be core, and some claims may be non-core. To the extent that any claims against GM are non-core, GM does not consent to entry of final orders or judgments by the bankruptcy judge at this time.

SUPPLEMENTAL JURISDICTION

12.

To the extent that any claims against any party are not removable under bankruptcy jurisdiction, this Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. §§1337 and 1441.

MISCELLANEOUS

13.

This Notice of Removal is timely filed pursuant to Fed. R. Bankr. P. 9027. Rule 9027(a)(2) provides that if a claim or cause of action in a civil action is pending when a case

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under the Bankruptcy Code is commenced, a notice of removal may be filed within 90 days after the order for relief in the case. GM filed a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code on June 1, 2009, and the order for relief was entered contemporaneously with the filing. 11 U.S.C. § 301(b) ("The commencement of a voluntary case under a chapter of the [Bankruptcy Code] constitutes an order for relief under such chapter."). This Notice of Removal is filed within 90 days of the order of relief in this case.

14.

Written notice of the filing of this Notice of Removal is being served upon counsel for all of the parties herein and on the Clerk of Court for the Circuit Court, Miller County, State of Arkansas.

15.

A copy of the process and pleadings served on GM from the state court action is attached to this notice as Exhibit 2.

16.

Removal jurisdiction and venue exists in the United States Bankruptcy Court for the Western District of Arkansas, Texarkana Division, because the state court where the action is pending is within the referenced district and division. 28 U.S.C. § 1334; 28 U.S.C. § 1452; 28 U.S.C. §83(b); FRBP 9027; Local Rule 83.1, Eastern and Western District of Arkansas.

17.

GM reserves the right to amend or supplement this Notice of Removal.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was sent by federal express to the following counsel of record on this the 9th day of July, 2009.

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